

REMARKS

Applicant thanks the Examiner for careful consideration of the application.

Applicant has amended claims 16, and 36 to more clearly recite the claimed subject matter of the invention defined thereby. In addition, Applicant has amended withdrawn claim 37 to better place withdrawn claim 37 in proper form for allowance pending allowance of a generic claim. No claims are canceled and claim 40 has been added, as a result claims 16-17 and 34-40 are now pending in this application.

Applicant respectfully submits that claim 40 does not introduce any new subject matter and is intended to cover additional claimable subject matter fully supported by the originally filed specification.

No claims have been allowed by the Examiner.

I. Election/Restriction:

Applicant elected after restriction, with traverse, species E Claims 16-17, 34-36, and 38. Applicant's election with traverse of Examiner's restriction requirement has been acknowledged by Examiner. Examiner after reconsideration has made the restriction requirement Final. Applicant believes that the restriction requirement is improper.

Examiner has required election of a single species. Therefore, Applicant withdraws from consideration claims 37 and 39. However, upon allowance of a generic claim, Applicant believes Applicant will be entitled to consideration of these withdrawn claims to additional species. Applicant believes that independent claim 36 is generic to both independent claim 37 as well as dependent claim 39 which depends upon independent claim 36.

II. Priority:

Examiner has noted that an application in which the benefits of an earlier application are desired must contain a specific reference to the prior application. Applicant notes that in the application data sheet Applicant stated this is a divisional application of Application No. 10/059,673. If Applicant's application data sheet is in error or if additional information is required then Applicant requests that Examiner call Applicant's representative to discuss the steps necessary to correct the problem.

III. Rejections under 35 U.S.C. §102(e):

Examiner has rejected claims 34-38 and 16 under 35 U.S.C. §102(e) as being anticipated by Suto et al. (U.S. Patent No. 6,211,267, "Suto"). This rejection is respectfully traversed with regard to claims 34-18 and 16 because all of the elements of the claimed invention are not present in the cited reference.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *MPEP 2131*. The identical invention must be shown in as complete detail as is contained in the . . . claim. *MPEP 2131* citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1990).

Amended independent claim 36 discloses a dispensing apparatus capable of delivering precise quantities having "at least two input channels coupled to a chamber, the chamber comprising a top portion, a middle portion, and a bottom portion, wherein the middle portion includes at least two cylindrical bores having internal walls." In contrast, Suto discloses a twin screw compounding extruder having "an organopolysiloxane gum feed port 7, a first solvent feed port 8, and a second solvent feed port 9." Col 2, lines 23-25 (emphasis added). In addition, Suto discloses "the organopolysiloxane gum solution should be a horizontal

closed system, and should have two horizontal axes 11." Col. 3, lines 47-48. Suto also discloses that "[t]he feed port 7 for the organopolysiloxane gum should be located on a top or side surface in the upstream section of the barrel 12 . . . while at least 2 solvent feed ports 8 and 9 should be provided on a top or side surface of the barrel 12 down stream from feed port 7. Col. 4, lines, 50-54 (emphasis added). Further, Suto discloses that "[t]he presence of only a single solvent feed region creates problems in that any shearing generated by paddles 15 is applied exclusively to the solvent, and not to the organopolysiloxane gum . . . [and that w]hile only two solvent feed ports 8 and 9 are shown herein, it should be understood that three or more solvent feed ports may be used." Col. 4 line 63 to Col. 5 line 6 (emphasis added).

Thus, Suto discloses a horizontal twin screw compounding extruder having at least three input channels the organopolysiloxane gum feed port 7 and the at least two solvent feed ports 8 and 9, wherein utilization of only a single solvent feed port (i.e. two input channels) creates problems and will not work. Because Suto does not disclose a dispensing apparatus capable of delivering precise quantities having "at least two input channels coupled to a chamber, the chamber comprising a top portion, a middle portion, and a bottom portion, wherein the middle portion includes at least two cylindrical bores having internal walls," as recited in amended independent claim 36, Suto does not anticipate or render obvious amended independent claim 36, since a dispensing apparatus capable of delivering precise quantities having "at least two input channels coupled to a chamber, the chamber comprising a top portion, a middle portion, and a bottom portion, wherein the middle portion includes at least two cylindrical bores having internal walls," are elements of the claimed invention arranged in a manner distinct from that disclosed in Suto. Emphasis Added.

Since a proper anticipation rejection requires that there be present in a single prior art reference a disclosure of all of the elements of the claimed invention arranged as in the claims, Applicant believes that Suto does not anticipate the present invention. See MPEP 2131. Dependent claims 16 and 38

as well as withdrawn claim 39 are dependent upon amended independent claim 36, and are therefore believed to be allowable as dependent upon a believed allowable claim. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 16, 34-36, and 38 based on Suto under 35 U.S.C. § 102(e).

In addition, in regards to independent claims 34 and 35, independent claims 34 and 35 disclose "dispensing a measured amount of the viscoelastic liquid product." In contrast, as previously discussed above, Suto discloses a horizontal twin screw compounding extruder having at least three input channels the organopolysiloxane gum feed port 7 and the at least two solvent feed ports 8 and 9, wherein utilization of only a single solvent feed port (i.e. two input channels) creates problems and will not work. In addition, Suto discloses [i]n operation, the organopolysiloxane gum is supplied from the top 1 at one end of the barrel 12, and is transported to the compounding zone . . . mixed there by by the paddles 15 with the solvents 2 and 3 supplied along the transport path, and then is continuously discharged from 14." Col. 3, line 65 to Col. 4, line 3, Emphasis added. In addition, Suto discloses "ball valve 14 is used to control the amount of the final product which is discharged from the extruder." Col. 2, lines 34-36. Further, Suto discloses in examples 1 and 2 that the organopolysiloxane gum was continuously fed from organopolysiloxane gum feed port 7 into the barrel 12 (Example 1, Col. 5, lines 50-51; and Example 2, Col. 6, lines 5-10.) with discharge rates of up to 100 kg/hour (Example 1, line 58.) and 120 kg/hour Example 2, line 17.).

Thus, Suto discloses a horizontal twin screw compounding extruder working in a continuous manner, with a ball valve separately controlling the rate in which the final product is discharged and the extruder has at least three input channels the organopolysiloxane gum feed port 7 and the at least two solvent feed ports 8 and 9, wherein utilization of only a single solvent feed port (i.e. two input channels) creates problems and will not work. Because Suto does not disclose dispensing a measured amount of the viscoelastic liquid product," as

recited in independent claims 34 and 35, Suto does not anticipate or render obvious independent claims 34 and 35, since dispensing a measured amount of the viscoelastic liquid product," are elements of the claimed invention arranged in a manner distinct from that disclosed in Suto. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 34 and 35 based on Suto under 35 U.S.C. § 102(e).

In addition, amended independent claim 36 includes the limitation of at least two cylindrical bores while amended independent claim 37 includes the limitation of at least two non-overlapping cylindrical bores and is there for a species of claim 36. Examiner in both the restriction requirement and in this office communication has also indicated that these are species. Therefore, Applicant believes that if a generic claim is allowed then species claims are also allowable. Accordingly, Applicant requests that Examiner allow amended independent claim 37 as a species of generic claim 36.

IV. Allowable subject matter:

Examiner has objected to claim 17 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for allowing claim 17. Accordingly, Applicant has added new claim 40 rewritten in independent form including all of the limitations of amended base claim 36 as well as all the limitations of claims 16 and 17.

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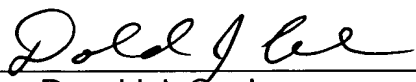
Therefore, in view of the foregoing Amendment and Remarks, Applicant believes the present Application to be in a condition suitable for allowance. Examiner is respectfully urged to withdraw the rejections, reconsider the present Application in light of the foregoing Amendment, and pass the amended Application to allowance.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's representative at (541) 715-1694 to discuss the steps necessary for placing the Application in condition for allowance.

Favorable action by the Examiner is solicited.

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